

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 3249 of 1996

Between:

Visweswaraiah S/o. Chengalrayappa
Punganur (V) Chittoor (D)

..... PETITIONER

AND

1 The Government. of A.P. rep.by its Secretary Revenue

(Endowments-II) Department.

Secretariat, Hyderabad

2 The Dist.Collector, Chittoor

Chittoor Dist.

3 The Mandal Revenue Officer

Punganur, Chittoor Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more particularly one in the nature Writ of Mandamus holding that the G.O.Ms.NO.456 Revenue (Endowments-II) Dept., dt: 29/9/1995 respondents is illegal and invalid and consequently direct the respondents not to issue house site pattas in Sy.No..60/1 to 5 of Punganur (v), Chittoor Dist.

Counsel for the Petitioner: MR.D.KODANDARAMI REDDY

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court made the following:

ORDER:

This writ petition is filed seeking a writ of Mandamus to declare the G.O.Ms.No.456 Revenue (Endowments-II) Department, dated 29.09.1995 as illegal and arbitrary, and consequently, to direct the respondents not to issue house site pattas in Sy.No.60/1 to 5 of Punganur Village, Chittoor District.

Precisely, as stated in the affidavit, filed in support of the writ petition, it is the case of the petitioner that the dry land admeasuring an extent of Ac.0-48 cents in Sy.No.60/1 to 5 situated in Punganur Village of Chittoor District is an inam land of Sri Someswara Swamy temple. The petitioner, who claims to be the hereditary Archaka of the said temple, filed this writ petition alleging that the income from the said land is the only source to maintain the temple but the said land is notified by the Government for acquisition.

In the counter-affidavit filed on behalf of the respondents, it is stated that the land in question is not an inam land but is a patta land registered in the name of the Deity Sri Someswara Swamy temple, Punganur. Even with regard to extent also, it is further stated that out of the total extent of Ac.9-67 cents in Sy.No.60/1 to 5 only an extent of Ac.6-98 cents was notified under 4(1) notification of the Land Acquisition Act and the same has been published in Chittoor District

Gazette on 21.07.1996.

It is pertinent to note that in this writ petition, the petitioner has questioned the G.O.Ms.No.456, dated 29.06.1995, but so far as the said G.O. is concerned, it is an order revising the procedure to be followed with regard to acquisition of the lands belonging to religious and charitable institutions for the purpose of providing house sites to the weaker sections. Nonetheless, the petitioner has not questioned any notification issued to acquire the land in question or part thereof. Therefore, in any event, it is to be seen that even with regard to the impugned G.O., it is stated in the counter-affidavit that the same has already been upheld by this Court earlier.

Inasmuch as the petitioner has not questioned the land acquisition proceedings notifying the land in question for acquisition and also in view of the averments made in the counter-affidavit that the land in question was already notified under the provisions of the Land Acquisition Act, no direction can be issued to the respondents not to issue house site pattas of the land in Sy.No.60/1 to 5 of Punganur Village of Chittoor District, as prayed by the petitioner.

In that view of the matter, I do not find any merit in the writ petition.

For the foregoing reasons, the writ petition is devoid of merits and is accordingly dismissed. No order as to costs.

R.SUBHASH REDDY, J

31.12.2004

dr

To

1 The Secretary, Revenue,

(Endowments-II) Department, The Government of Andhra Pradesh

Secretariat, Hyderabad

2 The Dist. Collector, Chittoor
Chittoor Dist.

3 The Mandal Revenue Officer
Punganur, Chittoor Dist.

4 2CCs to Government Pleader for Social Welfare, High

Court Buildings, Hyderabad. (OUT)

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